



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2147 FAX (603) 271-6588



**LETTER OF DEFICIENCY
WET 2004-015**

April 5, 2004

Dr. John Reuter
96 Seminole Ave
New Hampton, NH 03256

RE: DES Wetlands File #2003-02688, 96 Seminole Avenue, New Hampton

Dear Dr. Reuter:

On March 16, 2004, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above-referenced property, more specifically referenced on Town of New Hampton Tax Map U10 as Lot 9 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-700.

During the inspection and the subsequent review of DES files, the following deficiencies were documented:

1. A dug-in boat basin measuring approximately 35' x 15' was constructed within the bank of Lake Waukewan. DES records indicate that a permit had not been issued for the impact observed.
2. No erosion or siltation controls were observed. Exposed soils were observed on the sidewalls of the boat basin, increasing the erosion potential into Lake Waukewan.
3. The dug-in boat basin was observed within 20' from an abutting property line. Pursuant to Wt 304.05, a written agreement from the affected abutter concurring with any impact within 20' of an abutting property line is required. DES has no record of a written agreement from the affected abutter.

In response, you are requested to take the following actions:

1. By May 5, 2004, submit a restoration plan to DES for review and approval. Include provisions for restoring the dug-in boat basin to the original grade. Submit the following with the restoration plan:
 - a. A plan with dimensions, drawn to scale, showing:
 - i. Existing conditions; and
 - ii. Proposed conditions for restoring the dug-in boat basin to the original grade;
 - b. A detailed description of the proposed means of erosion control (silt fence, hay bales, *etc.*) and stabilization of the restoration area;
 - c. A detailed description of the proposed planting plan for the stabilization and revegetation of the restoration area; and

d. A description of the proposed construction sequence and methods for accomplishing restoration and anticipated restoration compliance date.

2. Implement the restoration plan only after receiving written approval and as conditioned by DES.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.


Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Linda Magoon
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Linda Magoon at (603) 271-4056 or by e-mail at lmagoon@des.state.nh.us.

Sincerely,


COPY
Collis G. Adams, CWS
Administrator
Wetlands Bureau

CERTIFIED MAIL 7002 3150 0001 5411 2378

cc: Rene Pelletier, Manager, Land Resources Management Program
✓ Gretchen Rule, Administrator, DES Legal Unit
New Hampton Conservation Commission
New Hampton Board of Selectmen
USACOE